

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNE BRYANT

(List the name(s) of the plaintiff(s)/petitioner(s).)

14 Civ. 5764 (LTS)(JLF)

- against -

AFFIRMATION OF SERVICE

Comm. of Social Security; Broadcast
MUSIC INC "BMI", et al

(List the name(s) of the defendant(s)/respondent(s).)

I, (print your name) ELLEN BERNFELD, declare under penalty of perjury that I
served a copy of the attached (list the names of the documents you served): Second Amended
Complaint w/ Exhibits and Notice of Second
Amended Complaint.

upon all other parties in this case by (state how you served the documents, for example, hand delivery,
mail, overnight express) FEDEX to the

following persons (list the names and addresses of the people you served): MR. JAMES C FITZPATRICK
HUGHES HUBBARD REED LLP (ESQ)
One Battery Park Plaza
NY NY 10004-1482

on (date you served the document(s)) _____

12/16/15
Dated

Ellen Bernfeld
Signature
1212 Ben Franklin Drive
Address
Sarasota
City, State
Florida, 34236
Zip
(34236) - 845-596-3845
Telephone Number
ellenbernfeld@me.com
E-Mail Address

ANNE BRYANT

December 16, 2015

RECEIVED
SDNY PRO SE OFFICE
2015 DEC 17 PM 3:07

Pro Se Intake Unit,
Room 200
US DISTRICT COURT- SDNY
500 Pearl Street,
New York, New York 10007

Via Fedex *In re:*
14-CV-5764 (LTS) (JCF)
ANNE BRYANT, *Plaintiff*—v—
COMMISSIONER OF SOCIAL SECURITY ["SSA"];
BROADCAST MUSIC INC ["BMI"]; et al

Dear Pro Se Intake Unit,

I enclose 3 Complaint books, each containing the Second Amended Complaint that I file with you today, by leave of the Court, granted by Hon. Laura Taylor Swain on November 5, 2015 (ECF Doc # 63).

I have not included dividers in the copy for the ECF because I have been told that they prefer it that way for ease in scanning; the original signatures are in that copy.

The two other books are Courtesy copies for Judge Swain and Judge Francis IV.

I thank you for acquiring the amended summons, which I believe was issued some time on Monday. Because it is Christmas season, I probably will not receive it, so I have sent a copy of the Second Amended Complaint only to the remaining, original Defendant, BMI; the Affirmation of Service is inside the front cover flap. When I receive the amended summons, I will serve the remaining three Defendants as soon as possible.

Thank you for your help throughout this year. I wish you a wonderful Holiday Season and Happy New Year!

Sincerely,



Anne Bryant

2601 JEFFERSON CIRCLE, SARASOTA FL, 34239
<ACCESSAB@GMX.COM> 917.848.5203

		copies of the summons, copies of the complaint, instructions on how to file a motion and opposition, instructions on filing an amended complaint, application for counsel, a consent to proceed before a Magistrate Judge, and affirmation of service forms. (vj) (Entered: 12/14/2015)
12/14/2015		SUMMONS ISSUED as to William M Dobishinski, Thomas L Griffin, Jr, Hasbro Inc. (vj) (Entered: 12/14/2015)
11/13/2015	<u>64</u>	PRO SE MEMORANDUM(Letter) dated 11/1/15 re: CHANGE OF ADDRESS for Anne Bryant. New Address: 2601 Jefferson Circle, Sarasota, Florida, 34239. (sc) (Entered: 11/13/2015)
11/05/2015	<u>65</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against ABC Corporations, Broadcast Music Inc., Commissioner of Social Security, Jane Does, John Does, William M Dobishinski, Thomas L Griffin, Jr, Hasbro Inc, ASCAP Party #2901252 with JURY DEMAND. Document filed by Anne Bryant. Related document: <u>1</u> Complaint, filed by Anne Bryant. (Attachments: # <u>1</u> Exhibit)(man) (Entered: 12/11/2015)
11/05/2015		Set/Reset Deadlines: Amended Pleadings due by 12/18/2015. (lmb) (Entered: 11/05/2015)
11/05/2015	<u>63</u>	MEMORANDUM OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION re: <u>34</u> MOTION to Amend/Correct <u>1</u> Complaint,. filed by Anne Bryant, <u>40</u> MOTION to Dismiss <i>the Complaint</i> . filed by Commissioner of Social Security, <u>38</u> MOTION to Dismiss . filed by Broadcast Music Inc. For the foregoing reasons, the Second Report is adopted and the motions before the Court are, accordingly, resolved as follows: Plaintiff's motion for leave to amend her complaint (Docket Nos. 34 and 61) is granted, and the Amended Complaint is substituted for the original Complaint. SSA's motion to dismiss the complaint (Docket No. 38) is granted, without prejudice to renewal of the Privacy Act claim following the exhaustion of administrative remedies. BMI's motion to dismiss the complaint (Docket No. 40) is granted, without prejudice to repleading of the fraudulent concealment claim. The claims against Dobishinski, Griffin, and Hasbro are dismissed sua sponte, without prejudice to repleading the claims as common-law claims. The claims against ASCAP Party #2901252 are also dismissed sua sponte, without prejudice to the repleading of claims, if any, in a manner identifying the nature and factual basis of the claims against that defendant. Plaintiff must file any Second Amended Complaint by December 18, 2015, and the Clerk of Court is authorized to issue summonses for new defendants Dobishinski, Griffin, and Hasbro in connection therewith. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). This case remains referred to Magistrate Judge Francis for general pretrial management. This Order resolves Docket Entries No. 34, 38, 40, and 61.

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1 From

Date

12/16/13

Sender

ONE DEPART

Company

CONYMPUSION LTD

Address

2601 Jefferson Circle

City

SPRINGFIELD

State

IL

ZIP

62739

Phone

917 848 5003

2 Your Internal Billing Reference

14-CV-5764(LTD)(SCF)

3 To

Recipient's Name

PROSE, ENRICH UNIT

Company

NJ TAXIET COVER - S.D. N.Y.

Address

500 Pearl Street

City

New York

State

NY

ZIP

10007

Use this line for the HOLD location address or for continuation of your shipping address.

500 Pearl Street

City

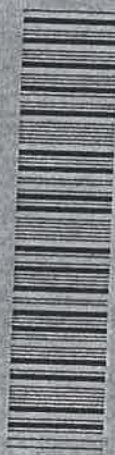
New York

State

NY

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☐ FedEx 2Day A.M.

Second business morning delivery to select locations. Monday through Friday delivery to select locations.

☐ FedEx 2Day

Second business afternoon delivery to select locations. Monday through Friday delivery to select locations.

☐ FedEx Express Saver

Third business day delivery to select locations. Monday through Friday delivery to select locations.

☐ FedEx Home Delivery

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☐ FedEx International Freight

Next business day delivery to select locations. Monday through Friday delivery to select locations.

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